

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE:**

**DELPHI CORPORATION :**

**CASE NO.: 05-44481(RDD)**

**:**

**Debtor :**

**:**

**: MOTION FOR RELIEF FROM**

**: STAY**

Now comes Sonja Abernathy, an employee at Delphi in Dayton, Ohio, by and through counsel to move the Court for relief from the automatic stay, under 11 USC sect. 362 imposed by bankruptcy law in the above captioned action.

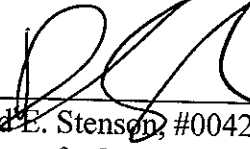
Ms. Abernathy states that on July 8, 2005 she instituted a legal action for wrongful employment practices by Delphi Corporation and against her union UAW (copy of Complaint attached). That said action is ongoing and at present has been halted by the bankruptcy filing of the debtor. Part of the relief requested by Movant is injunctive relief to enjoin the Defendants from allowing any further negative actions while Movant is at work.

Ms. Abernathy further states that she is requesting relief so her civil case can move forward against the opposing parties. The Movant will waive any collection activities until the debtor has achieved reorganization, should a judgment be rendered in her favor.

The Movant requests the Court give her relief from the automatic stay to pursue relief against the debtor, due to the heinous nature of the adverse employment action she is experiencing. Currently the Movant is on leave from work as ordered by her treating physician and is in fear of her life due to threats made by a worker at the Delphi plant in Dayton, Ohio. The Movant further states that immediate relief is necessary to deal with the outrageous and egregious behavior she has experienced while employed in Debtor's Dayton, Ohio plant. Until said relief is granted Movant cannot return to work, and will have to remain on disability leave.

**WHEREFORE**, the Movant prays the Court grant her relief and allow her to continue forward with litigation against the debtor.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Motion was sent via regular mail to John Wm. Butler, Jr., John K. Lyons and Ron E. Meisler 333 W. Wacker Drive, Suite 200, Chicago, IL 60606, Kayalyn A. Marafioti, Thomas J. Matz, Four Times Square, New York, NY 10036, Robert J. Rosenberg 885 Third Ave., Suite 1000, New York, NY 10022-4834 and Deirdre A. Martini, US Trustee, 33 Whitehall Street, 21<sup>st</sup> Floor, New York, NY 10004-2111.



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